

Decision **DRAFT DECISION OF ALJ KENNEY** (Mailed 10/22/2001)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's Own Motion Regarding
Commission Policy on Area Code Relief.

Rulemaking 98-12-014
(Filed December 17, 1998)

FINAL DECISION CLOSING THE PROCEEDING

I. Summary

On December 17, 1998, the Commission opened Rulemaking (R.) 98-12-014 to consider policy options to govern the implementation of new area codes. Since that time, the Commission has addressed area code policy options in the consolidated dockets of R.95-01-043 and Investigation (I.) 95-04-044. As a result, there is no longer a need for R.98-12-014, and the proceeding is closed.

II. Background

On July 17, 2001, the assigned Administrative Law Judge (ALJ) issued a ruling that invited parties to submit comments on whether this proceeding should be closed in light of developments in R.95-04-043/I.95-04-044. Comments were submitted by Douglas F. Carlson and Carlos Lopez.

Carlson states that a record has been developed in this proceeding that supports the adoption of 10-digit dialing for calls within overlay areas. There are currently no overlays in California. If an overlay is ever implemented, it is the Commission's policy to require 1+10 digit dialing within the overlay.

Carlson recognizes that there are no overlays in California, and that the Commission is unlikely to approve an overlay anytime soon. However, in the event the Commission decides to implement an overlay, Carlson believes it would be an unproductive use of the Commission's resources to develop a new record regarding the use of 10-digit dialing in lieu of 1+10 digit dialing. To save resources, Carlson recommends that the Commission adopt in this proceeding a requirement to use 10-digit dialing for future overlays. Alternatively, Carlson recommends that the Commission commit to study the feasibility of 10-digit dialing at the time it decides to implement an overlay.

Lopez recommends that the Commission leave this proceeding open as a catchall forum for area code issues not addressed in other dockets. Lopez also asks the Commission to determine if his "standard 16-key pad," for which he has sought a patent, is the "one unique standard."

III. Discussion

In R.98-12-014, we stated that the purpose of this proceeding is to consider policy options to govern the implementation of new area codes.¹ Since the issuance of R.98-12-014, policy options for new area codes have been considered and litigated exhaustively in R.95-04-043/I.95-04-044. Consequently, there is no longer a need for R.98-12-014, and we will close the proceeding.

We decline to adopt Carlson's proposals regarding what actions we should take with respect to 10-digit dialing if and when we implement an overlay.² We

¹ R.98-12-014, *mimeo.*, p. 2.

² We disagree with Carlson's assertion that a record has been developed in this proceeding that supports the adoption of 10-digit dialing for calls within overlay areas. The record is insufficient to resolve key issues, such as whether consumers perceive a significant value in

Footnote continued on next page

believe that decisions regarding 10-digit dialing should be made in the context of the circumstances that exist at the time an overlay is implemented, which may not occur for years, if ever, due to number-conservation efforts³ and the significant disadvantages of overlays.⁴

We decline to adopt Lopez's recommendation to keep this proceeding open as a catchall forum for area code issues not addressed in other dockets. As a matter of administrative efficiency and economy, it is our policy to close proceedings that have served their purpose. Such is the case here.

We also decline to act on Lopez's request to determine if his "standard 16-key pad" is the "one unique standard." The record in this proceeding is insufficient to make the determination sought by Lopez. But even if there were a sufficient record, Lopez failed to present a persuasive reason why it is necessary for the Commission to make this determination.

IV. Comments on Draft Decision

Public Utilities Code § 311(g)(1) requires the draft decision to be (i) served on all parties, and (ii) subject to at least 30 days of public review and comment prior to a vote of the Commission. The draft decision of ALJ Kenney was mailed on October 22, 2001, pursuant to § 311(g)(1) and Rule 77.7. Opening comments were filed on _____, 2001, by _____. Reply comments were filed on _____.

dialing 10 digits rather than 1+10 digits, and whether the benefits of 10-digit dialing outweigh the cost of implementing 10-digit dialing.

³ The Commission's policy is to maximize the efficient use of telephone numbers in order to avoid the need for new area codes. (D.00-07-052)

⁴ The Commission has repeatedly found that overlays have significant disadvantages. (See, for example, D.01-06-058, D.00-09-073, D.99-12-049, and D.99-10-022.)

_____, 2001, by _____. These comments have been reflected, as appropriate, in the final decision adopted by the Commission.

Findings of Fact

1. In December 1998, the Commission opened R.98-12-014 to consider policy options to govern the implementation of new area codes. Since that time, the Commission has addressed area code policy options in R.95-04-043/I.95-04-044.

2. On July 17, 2001, the assigned ALJ issued a ruling that invited parties to submit comments on whether this proceeding could be closed. Comments were submitted by Douglas F. Carlson and Carlos Lopez.

3. Carlson recommends that the Commission adopt in this proceeding a requirement to use 10-digit dialing for future overlays. Alternatively, Carlson recommends that the Commission commit to study the feasibility of 10-digit dialing at the time it decides to implement an overlay.

4. Lopez recommends that the Commission leave this proceeding open as a catchall forum for area code issues not addressed in other dockets. Lopez also asks the Commission to determine if his “standard 16-key pad,” for which he has sought a patent, is the “one unique standard.”

Conclusions of Law

1. There is no need to hold this proceeding open to consider policy options for implementing new area codes, since this matter has been considered and litigated exhaustively in R.95-04-043/I.95-04-044.

2. Carlson’s recommendations regarding what actions the Commission should take regarding 10-digit dialing if an overlay is implemented should not be adopted. The determination of what actions to take regarding 10-digit dialing should be made in the context of the circumstances that exist if and when an overlay is implemented.

3. Lopez's proposal to hold this proceeding open as a catchall forum for area code issues should not be adopted. When a Commission proceeding has served its purpose, as is the case here, the proceeding should be closed.

4. Lopez's request for the Commission to determine if his "standard 16-key pad" is the "one unique standard" should not be granted. There is an insufficient record to make this determination, and Lopez did not present a persuasive reason for why it is necessary to make this determination.

5. In order to close this proceeding expeditiously, the following order should be effective immediately.

FINAL ORDER

IT IS ORDERED that this proceeding is closed.

This order is effective today.

Dated _____, at San Francisco, California.